

REMARKS

This is intended as a full and complete response to the Final Office Action dated July 10, 2008, having a shortened statutory period for response set to expire on October 10, 2008. Applicants submit this response to place the application in condition for allowance or in better form for appeal. Please reconsider the claims pending in the application for reasons discussed below.

Claims 9-13 and 25-31 are pending in the application. Claims 9-13 and 25-31 remain pending following entry of this response.

Claim Rejections - 35 U.S.C. § 112

Claims 30 and 31 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner suggest claims 30 and 31 contain subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Specifically, the Examiner argues: "New claims 30 and 31 recites 'a marker' and 'the marker' and is not disclosed in the specification." Applicants respectfully traverse this rejection.

The legal standard of the written description requirement is whether the disclosure of the application reasonably conveys to one skilled in the art that the inventor(s) had possession of the claimed invention at the time of filing. *University of Rochester v. G.D. Searle & Co.* 358 F.3d 916 (Fed. Cir. 2004). The Federal Circuit law is clear that the written description requirement of 35 U.S.C. 112 does not require word for word support, or even textual support at all, in the specification. *Koito Mfg. Co. v. Turn-Key Tech LLC*, 381 F.3d 1142 (Fed. Cir. 2004). Applicants submit that claims 30 and 31 clearly meet this legal standard.

Claim 30 limits the method of claim 9 and specifies that least one of the "annotation versioning policies dictates that an annotation created for a current version of a document and applied to a subsequent version of the document includes a marker indicating that the annotation in the subsequent version of the document is unvalidated".

This claim maps to the language of paragraph 49 which provides an example of the claimed “annotation versioning policies” where annotations to be applied to a modified document require validation before they are, in fact, applied to the modified document.

Paragraph 49 provides:

Therefore, for some embodiments, a user may specify that annotations must be validated (by someone with authority) before they are carried forward to new versions of a document. This policy (last in table 300) may be applicable in an environment where the person who makes the changes to the document also has authority to see and determine the applicability of a previous annotation to the changed document. This policy may be used in conjunction with the second or third policies. A related policy may dictate that annotations viewed from a different version of a document (e.g., other than the version for which it was created) should be marked as unverified indicating it was carried forward but has not been formally approved, effectively putting a viewer on notice they must determine whether the annotation still applies. An authorized user, such as the original author of the annotation, may re-verify the annotation, resulting in removal of the unverified marking. In some cases, other types of users may be authorized to re-verify an annotation, for example, if they are in a position to be able to determine the annotation still applies to a new version.

Specification, ¶ 49. Applicants submit the reference to a document “being marked as unverified” plainly provides support for the claim limitation of a “marker” being applied to a document. Accordingly, Applicants respectfully request that the Examiner withdraw this objection.

Claim Rejections - 35 U.S.C. § 103

Claims 9-13 and 25-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Gupta, et al. (hereafter Gupta)* (U.S. Patent No. 7,051,275), further in view of *Glass, et al. (hereafter Glass)*, U.S. Publication No. 20040261016, and (U.S. Publication No. 20040252888), *Barger, et al. (hereafter Barger)*. Applicants respectfully traverse this rejection.

The Examiner bears the initial burden of establishing a prima facie case of obviousness. See MPEP § 2141. Establishing a prima facie case of obviousness

begins with first resolving the factual inquiries of *Graham v. John Deere Co.* 383 U.S. 1 (1966). The factual inquiries are as follows:

- (A) determining the scope and content of the prior art;
- (B) ascertaining the differences between the claimed invention and the prior art;
- (C) resolving the level of ordinary skill in the art; and
- (D) considering any objective indicia of nonobviousness.

Once the *Graham* factual inquiries are resolved, the Examiner must determine whether the claimed invention would have been obvious to one of ordinary skill in the art.

Respectfully, Applicants submit that the Examiner has not properly characterized the teachings of the references and/or the claims at issue. Accordingly, a *prima facie* case of obviousness has not been established.

In this case, Applicants submit that *Gupta* does not disclose a system where annotations made for a current version of a document are selectively applied to subsequent versions of that document according to an "annotation versioning policy" dictating how annotations made for the current version of a document are to be applied to a given subsequent version. In fact, *Gupta* does not disclose a system that includes both a current and a subsequent version of a given document at all. Instead, *Gupta* discloses a system where annotations made for one copy of a multimedia file, e.g., a musical song stored as an mp3 file, may be shared with other copies of the same song in different data formats. Nevertheless, the Examiner suggests that:

Gupta discloses the following claimed limitations: "annotations made for a current version of a document should be applied to a subsequent version of the document" [abstract, discloses each such annotations corresponding to each of the different versions of the multimedia document] and "annotations are applied to subsequent versions of the document." [abstract, discloses each such annotations corresponding to each of the different versions of the multimedia document].

Final Office Action, p. 3. While the Examiner is correct that *Gupta* uses the word "version" to describe different copies of a multimedia file, simply different versions is not what is claimed. Nothing in *Gupta*, describes both a current version and a subsequent version of the same document, as claimed. Instead, *Gupta* is directed to an annotation system where annotations may be created for copies of multimedia content (e.g., music and video) available in different data formats, such as a "high resolution" copy and a "low resolution" copy. That is, *Gupta* discloses a system where an annotation created

for multimedia content in one form, such as the “high resolution” copy, may be accessed from the “low resolution” copy. While *Gupta* uses the term “version” to distinguish between the different copies, i.e., the “high resolution version” and the “low resolution version”, the different “versions” provide the “same underlying multimedia content.” See *Gupta*, ¶¶ 0007, 0027, and 0045.

In contrast, claim 9 recites a “method for managing annotations for multiple versions of documents” that includes “selecting one or more annotation versioning policies dictating how annotations made for a current version of a document are applied to a subsequent version of the document.” Claim 25 recites a similar limitation. More simply, the present claims use the term “version” to refer to an annotated data source where the substantive content of the data source as been modified between a “current version” and a “subsequent version” of the data source. *Gupta*, on the other hand, clearly uses the term “version” to refer to different formats or containers for the “same underlying multimedia content.” By its own terms, *Gupta* provides that “multimedia presentations available to a user may include different versions of the same underlying multimedia content.” These different versions can have, for example, different resolutions, different bandwidth requirements, different presentation lengths, etc.” *Gupta*, ¶ 0007.

As used in *Gupta*, it simply makes no sense to refer to a current version of multimedia file and a subsequent version. Consider for example two mp3 files providing a copy of a Chopin piano concerto, a “high-resolution” copy and a “low-resolution copy,” it makes no sense to refer to one copy as a “current” version and another as the “subsequent” one. For example, which copy is the “current” one? The high-resolution version? The low-resolution version? Further, claims 9 and 25 recite “a current version of a document” and “a subsequent version of the document.” Clearly, the claims contemplate a specific relationship between versions of the same document. At the same time, the disclosure in *Gupta* two (or more) independent copies of a multimedia file in different formats does not disclose different “version” having this claimed relationship. Returning to the scenario of two mp3 files of a Chopin piano concerto (a

high and low-resolution copy), for example, once one is selected as the “current version” what exactly does the Examiner suggest in *Gupta* happens to make it the “subsequent” version?

As this discussion illustrates, while *Gupta* uses the term “versions” to refer to different copies of the same multimedia file, it clearly does not disclose a “method for managing annotations for multiple versions of documents” that includes “selecting one or more annotation versioning policies dictating how annotations made for a current version of a document are applied to a subsequent version of the document.”

Furthermore, the Examiner concedes that:

Gupta does not explicitly disclose “selecting one or more annotation versioning policies dictating how annotations made” should be applied; and “allowing creators of annotations for a current version of a document to select one or more of the annotations versioning policies.”

Final Office Action, p. 3. However, the examiner turns to *Glass* and argues:

On the other hand, *Glass* discloses the following claimed limitations: “selecting one or more annotation versioning policies dictating how annotations made” should be applied [0176, line 6, referring to a document annotation policy. Accordingly, selecting one or more (referring to) annotation versioning policies dictating how annotations should be applied (document annotation policy) is disclosed.]

Final Office Action, p. 3. Applicant submits that the Examiner is reading far too much into the singular use of the word “policy” in *Glass*, ¶ 176. As recited by both claims 9 and 25, “the annotation versioning policies” are characterized as providing a very specific function; namely, “dictating how annotations made for a current version of a document are applied to a subsequent version of the document.” Generally, *Glass* discloses a software application configured to assist a human operator in viewing and recording judgments about the contents of electronic documents (see paragraph [0003] of *Glass*). The “document annotation policy” referenced in *Glass* describes a policy specifying how a document should be classified as being about some particular topic. Set out in full, *Glass*, ¶ 176 provides:

The annotation system does not require multiple occurrences or sightings by the system or by document annotators of the same or substantially

similar document to enable a classification decision. A trained document annotator may judge the contents of a document and semantically label its contents by applying human reasoning and, as needed, by referring to a document annotation policy, thereby saving time and effort.

Glass, ¶ 176. Other than this one statement in paragraph 176, nothing in *Glass* provides any further description of the “document annotation policy.” Clearly, this singular use of the word “policy” in reference to a policy used by a “trained document annotator [to] judge the contents of a document and semantically label its contents by applying human reasoning” does not disclose the claimed limitation of a set of annotation versioning policies “dictating how annotations made for a current version of a document are applied to a subsequent version of the document,” as recited by claims 9 and 25.

Furthermore, dependent claim 13 specifies “at least one of the annotation versioning policies dictates that an authorized user must validate an annotation created for a current version of a document before the annotation is applied to subsequent versions of the document.” The Examiner suggests that column 13, lines 21-24 of *Gupta* teach these limitations. Applicants respectfully disagree.

The cited portion of *Gupta* teaches that, when a user creates an annotation regarding a segment of a media presentation, a media server may be configured to stream the segment for presentation to the user. By reviewing the streamed segment, the user may verify the portion of the media stream to which his or her annotation will correspond. Verifying the portion of the current document where the annotation should be made is simply not the same as validating, by an authorized user, an annotation made to the current version of the document before applying the annotation to subsequent versions of the document, recited in claim 13. In particular, as demonstrated above, *Gupta* discloses multiple multimedia presentation formats for the same underlying multimedia content, where claim 13 specifies that a user validates whether an annotation applied to a current version of a document should also applied to a subsequent (i.e., modified) version of that document. In the passage cited by the Examiner, there is simply no “current” and “subsequent” version. Instead, there is only a single multimedia presentation being annotated. Applicants respectfully submit,

therefore, that the Examiner is trying to modify the system of *Gupta* in a way that is derived only from the plain language of the pending claims.

Furthermore, Applicants respectfully submit that the Examiner seems to confuse a set of available annotation policies recited in claim 25 with an annotation set described in *Gupta*. As is recited in claim 25, the set of available annotation policies “dictate how an annotation created for a current version of the document are applied to one or more subsequent versions of the document.” Claim 25 further recites that an interface is provided for allowing a user to select one or more of the available annotation policies to be applied to the annotation. The Examiner relies on column 13, lines 25-30 of *Gupta* for teaching the latter limitation. However, consistent with the remainder of the disclosure of *Gupta*, the annotation set disclosed in the cited portion refers to a set of different versions of an underlying multimedia presentation, i.e., to a set of presentations which each contain the same underlying content, for which the annotations may be made, not to the actual annotation policies used to annotate the versions of the multimedia presentation. Consistent with this interpretation of the annotation set, the dialog box 260 disclosed in the cited portion of *Gupta* allows the user to identify a set to which the new annotation will belong.

Based on the foregoing, Applicants respectfully submit that the Examiner misapplies *Gupta* to suggest that *Gupta* teaches providing an interface allowing a user to select one or more of the available annotation policies to be applied to the annotation, recited in amended claim 25.

Accordingly, for all the foregoing reasons, Applicants submit that *Gupta*, in view of *Glass* and *Barger* do not disclose the limitations recited by claims 9 and 25. Therefore, Applicants respectfully request that the present rejections be withdrawn and that independent claims 9 and 25 and dependent claims 9-13 and 26-31 be allowed.

Conclusion

Having addressed all issues set out in the office action, Applicants respectfully submit that the claims are in condition for allowance and respectfully request that the claims be allowed.

If the Examiner believes any issues remain that prevent this application from going to issue, the Examiner is strongly encouraged to contact Gero McClellan, attorney of record, at (336) 643-3065, to discuss strategies for moving prosecution forward toward allowance.

Respectfully submitted, and
S-signed pursuant to 37 CFR 1.4,

/Gero G. McClellan, Reg. No. 44,227/

Gero G. McClellan
Registration No. 44,227
PATTERSON & SHERIDAN, L.L.P.
3040 Post Oak Blvd. Suite 1500
Houston, TX 77056
Telephone: (713) 623-4844
Facsimile: (713) 623-4846
Attorney for Applicants